

**UNITED STATES PATENT AND TRADEMARK
OFFICE**
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

tww

Mailed: March 21, 2003

Opposition No. 32,341

PRAMIL S.R.L.

v.

MICHEL FARAH

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On August 5, 2002, respondent filed a notice that it intends to take the discovery deposition of petitioner upon written questions pursuant to Fed. R. Civ. Pro. 30(b)(6), 35 C.F.R. Sections 2.120(c) and 2.124. Accompanying the motion are written questions to be propounded on behalf of the respondent.

On August 9, 2002, petitioner filed a motion to quash the deposition noticed by respondent on August 5, 2002. In its motion to quash, petitioner argues that "there is no way in which petitioner can respond" to respondent's notice of deposition because respondent did not specify "when and where this deposition is to take place."

On March 20, 2003, a telephone conference was held pursuant to Trademark Rule 2.120(i)(1). Participating in the conference were, Donald Dennison, Esq. on behalf of petitioner; David Rogero, Esq., for respondent¹; and TTAB interlocutory attorney Thomas Wellington.

Trademark Rule 2.120(c) provides that a discovery deposition of a person designated under Fed. R. Civ. P. 30(b)(6) shall be taken upon written questions in the manner prescribed by Trademark Rule 2.124. In turn, Trademark Rule 2.124 provides, *inter alia*, the following:

Within twenty days from the date of service of the notice, any adverse party may serve cross questions upon the party who proposes to take the deposition; any party who serves cross questions shall also serve every other adverse party. Within ten days from the date of service of the cross questions, the party who proposes to take the deposition may serve redirect questions on every adverse party. Within ten days from the date of service of the redirect questions, any party who served cross questions may serve recross questions upon the party who proposes to take the deposition; any party who serves recross questions shall also serve every other adverse party. Written objections to questions may be served on a party propounding questions; any party who objects shall serve a copy of the objections on every other adverse party. In response to objections, substitute questions may be served on the objecting party within ten days of the date of service of the objections; substitute questions shall be served on every other adverse party.

And:

Within ten days after the last date when questions, objections, or substitute questions may be served, the party who proposes to take the deposition shall mail a copy of the notice and copies of all the questions to the officer designated in the notice; a copy of the notice and of all the questions mailed to the officer shall be served on every adverse party. The officer designated in the notice shall take the testimony of the witness in response to the questions and shall record each answer immediately after the

¹ Respondent's motion (filed January 13, 2003) to substitute Mr. Rogero as counsel for respondent, with petitioner's consent, is granted. The Board has updated its correspondence address accordingly.

corresponding question. The officer shall then certify the transcript and mail the transcript and exhibits to the party who took the deposition.

The Board finds that respondent has properly filed a notice to take the discovery deposition of petitioner upon written questions pursuant to Fed. R. Civ. Pro. 30(b)(6), 35 C.F.R. Sections 2.120(c) and 2.124. Accordingly, **petitioner's motion to quash said deposition is denied.**

Finally, Trademark Rule 2.124 also provides that "upon receipt of written notice that one or more testimonial depositions are to be taken upon written questions, the Trademark Trial and Appeal Board shall suspend or reschedule other proceedings in the matter to allow for the orderly completion of the depositions upon written questions." In view thereof, **proceedings are hereby suspended pending completion of the discovery deposition upon written questions.** See Trademark Rule 2.124.

During the telephone conference, counsel for petitioner expressed concern regarding the delay involved in completing the deposition upon written questions. As stated during the telephone conference, the Board expects the parties to take all reasonable steps and actions to conclude matters in an efficient and timely manner.

Within twenty days after completion of the deposition upon written questions, respondent should notify the Board of such

news so that the Board can issue a resumption order and reschedule the trial dates.²

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² Respondent's motion (filed September 27, 2002) for an extension of the discovery deadline and corresponding trial dates is granted to the extent that discovery is deemed to have concluded on February 21, 2003. Therefore, upon resumption of proceedings, the Board will reschedule matters beginning with petitioner's testimony period.